

United States District Court

for

Southern District of Ohio**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **David Butcher**
66 State Route 247
Wrightsville, OH

Case Number: **1:01CR00055**

Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber**
Senior United States District Judge

Date of Original Sentence: **March 15, 2002**Original Offense: **Conspiracy to Distribute and Possess with Intent to Distribute Marijuana**Original Sentence: **33 month(s) prison, 48 month(s) supervised release**Type of Supervision: **Supervised Release**Date Supervision Commenced: **October 21, 2003**Assistant U.S. Attorney: **Robert C. Brichler**Defense Attorney: **Gregory A. Cohen**

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue an Order to Appear and Show Cause
☐ To grant an exception to revocation without a hearing.

Violation NumberNature of Noncompliance#1 No new law
violation

On July 24, 2005, Mr. Butcher was arrested in Brown County, Ohio after being charged with Operating a Vehicle While Intoxicated, No Safety Belt, and Child Endangerment (CRB0500882 and TRC054380A&B). These cases were continued on several occasions; however, a warrant was issued on May 2, 2006 for his failure to appear. Mr. Butcher has been advised on numerous occasions to rectify this matter.

On August 1, 2005, Mr. Butcher was cited for Driving Under Suspension in Hamilton County, Ohio (05TRD35489). A capias was issued on December 22, 2005, when he failed to pay his fine and court costs. A warrant remains active at this time.

On February 1, 2006, Mr. Butcher was cited in Adams County, Ohio for Failure to Reinstate Driver's License, Speeding (68/55 mph) and Safety Belt Violation (TRD06412). On June 23, 2006, Butcher appeared in Court and was sentenced to 75 days in jail with 60 suspended. He was placed on two years probation and ordered to complete 15 hours of community service.

On April 19, 2006, Mr. Butcher was cited for Driving under Suspension and Open Container in Adams County, Ohio (TRD061611). On June 23, 2006, Butcher was convicted of both charges. He was sentenced to 75 days in jail with 60 days suspended and placed on two years probation. He was also ordered to complete 15 hours of community service work.

Violation #2: Failure to report arrest in 72 hours.	Mr. Butcher never notified this officer of his citation for Open Container and Driving Under Suspension which occurred in Adams County, Ohio. This officer learned of this information through random record checks in Adams County.
Violation #3: Failure to Pay Fine	The Court ordered Mr. Butcher to pay a \$1,000 fine. He currently owes a balance of \$600 and has not made a payment since March 31, 2004.
Violation #4: Failure to Report Change of Residence	On June 14, 2007, Butcher was charged in Maysville, Kentucky with Driving under Suspension, and No Seat Belt. The case has been continued until September 17, 2007. Mr. Butcher never notified this officer of is arrest. This officer was informed through FBI identification records.
Violation #5: No Drug Use	On July 31, 2007, Butcher submitted to urinalysis which was tested and found not to be consistent with normal human urine.

U.S. Probation Officer Recommendation:

On March 15, 2002, Mr. Butcher appeared before the Honorable Herman J. Weber, Senior United States District Judge for the Southern District of Ohio and was sentenced to 33 months imprisonment followed by four years supervised release after having been charged with Conspiracy to Distribute and to Possess with Intent to Distribute Marijuana. As a condition of his supervised release, he was ordered to participate in substance abuse treatment at the direction of the probation officer, pay a \$1,000 fine, and a \$100 special assessment. Until the fine is paid in full, the defendant is prohibited from incurring new credit card charges or opening additional lines of credit and shall provide the probation officer access to any requested financial records.

On October 21, 2003, Mr. Butcher was released from Alvis House in Dayton, Ohio. While Mr. Butcher was incarcerated, he completed the 500 Hour Drug Program and continued in outpatient treatment while at the halfway house.

Since being on supervision, Mr. Butcher has had difficulties. He has been arrested and/or convicted four times since 2005. He has been advised on several occasions to take care of the pending matters, but he stated he had no money to do so or he could not get in touch with his lawyer.

This officer has tried numerous times to help Mr. Butcher by contacting his lawyer, and talking with his family, but nothing seems to change. On July 31, 2007, this officer met with Butcher to again discuss these issues. He stated he would go to Brown County Court to rectify the warrant. He was also going to Court in Maysville, Kentucky on August 3, 2007. This case was continued until September 17, 2007. When meeting with Butcher, this officer observed that he was very nervous and moved around a lot in his home. He was asked to submit to urinalysis which later tested inconsistent with normal human urine. This officer has made attempts to contact Butcher since receiving these results; however, no response has been received. As a result, out of concern for Butcher's safety and the community, as it appears he may be using drugs by his behavior, and the fact he continues to be cited for driving under suspension, it is respectfully recommended that a warrant be issued for Butcher's arrest to get his attention in this matter.

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

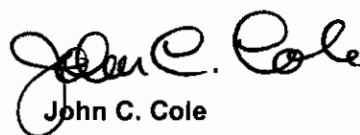
I declare under penalty of perjury that
the foregoing is true and correct.

Approved,

Executed on August 17, 2007


by


Darla J. Huffman
U.S. Probation Officer


John C. Cole
Supervising U.S. Probation Officer
Date: 8-17-07

THE COURT ORDERS:

- ☐ No Action
☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☐ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


Signature of Judicial Officer
8/21/07
Date